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SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. BIGGAR (Ireland)
(Vice-Chairman)

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In the absence of Mr. Cissé (Senegal), Mr. Biggar (Ireland), Vice-Chairman, took the Chair.

The meeting was called to order at 10 a.m.

AGENDA ITEM 96: CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (A/49/748; A/C.3/49/L.75, L.78 and L.79)

1. Mrs. CASTRO de BARISH (Costa Rica) said that the United Nations was the natural framework for the struggle against organized transnational crime, which should be carried on with courage and constancy. The success of the United Nations crime prevention and criminal justice programme required that States should continue to act firmly and determinedly. Her delegation would therefore strongly support the draft resolution contained in document A/49/748, chapter I, section A, wished to become a sponsor of draft resolution A/C.3/49/L.79, and had co-sponsored draft resolution A/C.3/49/L.78.

2. As the host country of the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), Costa Rica expressed its solidarity with all such institutions, which provided valuable services to their respective regions. Her delegation therefore supported draft resolution A/C.3/49/L.75.

Draft resolution A/C.3/49/L.75, entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders"

3. Mr. KUEHL (United States of America), requesting a recorded vote on paragraphs 4 and 5 of the draft resolution, said that his delegation would vote against the two paragraphs. His delegation believed that institutions such as the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders should be funded through voluntary contributions, not from the regular budget. He would not, however, oppose a consensus on the draft resolution as a whole.

4. Mrs. KABA (Côte d'Ivoire) said that the Institute was extremely important to the African countries, particularly in combating juvenile delinquency. She regretted that States which claimed to be the champions of human rights should seek to destroy an institution which was working to save children who had become involved in crime and to advance the cause of human rights in Africa.

5. Mr. OTUYELU (Nigeria) said that crime was one of the greatest handicaps to development in Africa, especially in the context of the current economic downturn. Crime prevention was therefore an aspect of development in the region. An Institute bearing the name of the United Nations should receive proper support.

6. Mr. TOURE (Guinea), speaking on behalf of the Group of African States, and supported by Mrs. LIMJUCO (Philippines) and Mr. FERNANDEZ PALACIOS (Cuba), said

that all delegations should support paragraphs 4 and 5, so that the Institute could receive the necessary resources in order to achieve its objectives.

7. At the request of the representative of the United States of America, a recorded vote was taken on paragraphs 4 and 5 of draft resolution A/C.3/49/L.75.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Guatemala, Guinea, Guyana, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Andorra, Armenia, Austria, Belarus, Belgium, Bhutan, Bulgaria, Canada, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Turkey, Uzbekistan.

8. Paragraphs 4 and 5 of draft resolution A/C.3/49/L.75 were adopted by 102 votes to 2, with 46 abstentions.

9. Mr. VAUGHN-FENN (United Kingdom) said that although his delegation had voted against paragraphs 4 and 5, it was not opposed to an appropriate arrangement being found for the funding of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders during the current biennium, and would not oppose consensus adoption of the draft resolution. He felt, however, that paragraph 5 prejudged the forthcoming report of the Secretary-General on the results of his contacts on the issue with the United

Nations Development Programme (UNDP) and other relevant actors, and that paragraph 6 prejudged the findings of the UNDP Administrator.

10. Mr. SAHRAOUI (Algeria) said that the wording of paragraphs 5 and 6 was entirely appropriate. Member States could ask the Secretariat or UNDP to undertake action they did not have to await or obey those bodies' decisions.

11. Mr. SHESTAKOV (Russian Federation) said that while his delegation supported the work of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders, it had abstained from voting on paragraphs 4 and 5 because it believed that supplementary funding for the Institute could be made available through a redistribution of manpower and material resources, or a reduction of expenditures on low-priority programmes.

12. Ms. HORIUCHI (Japan) said that her Government supported crime prevention and criminal justice activities in Africa, but that her delegation had abstained from voting on paragraphs 4 and 5 because it believed that the activities of regional bodies should be funded from voluntary contributions by their members, rather than from the United Nations regular budget.

13. Ms. KYEYUNE (Uganda) said that, in the absence of any information from the Secretariat regarding the outcome of consultations between UNDP and the Economic Commission for Africa or regarding steps to be taken to fund the Institute in 1995, her delegation considered that paragraphs 4 and 5 remained valid. It also reserved the right to raise the issue in other relevant Main Committees of the General Assembly or in the General Assembly itself.

14. Draft resolution A/C.3/49/L.75 was adopted without a vote.

Draft resolution A/C.3/49/L.78

15. The CHAIRMAN said that over 60 delegations had joined the original sponsors of the draft resolution.

16. Mr. ELDEEB (Egypt), speaking on behalf of the sponsors of the draft resolution, said that paragraph 5 should be revised to read "Decides to hold the Ninth Congress in Cairo, Egypt, from 29 April to 10 May 1995, including two days' pre-Congress consultations;". Paragraph 11 should be revised to read "Requests the Secretary-General to facilitate the broader participation of developing countries by providing the necessary resources for the travel and per diem of delegations from the least developed countries, in accordance with Economic and Social Council resolution 1994/19, from within available resources and by exploring the possibility of obtaining contributions for this purpose from all sources available, including governmental, intergovernmental and relevant non-governmental organization donors." A new paragraph should be inserted after paragraph 11, to read "Requests the Secretary-General to invite 20 expert consultants to participate in the Ninth Congress in accordance with Economic and Social Council resolution 1993/32, at the expense of the United Nations in accordance with paragraph 13 (f) of the same resolution, within existing resources. Paragraph 13 should be revised to read: "Requests the

Commission on Crime Prevention and Criminal Justice to give priority attention at its fourth session to the conclusions and recommendations of the Ninth Congress, with a view to recommending appropriate follow-up through the Economic and Social Council by the General Assembly at its fiftieth session". Paragraph 14 should be deleted. Paragraph 15 should be revised to read: "Decides to consider this subject at its fiftieth session under the item entitled "Crime prevention and criminal justice".

17. Draft resolution A/C.3/49/L.78, as orally revised, was adopted.

18. Mr. KUEHL (United States of America) said that his delegation reserved the right to make a statement on the issue in the plenary meeting of the General Assembly.

Draft resolution: Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, chap. I, sect. A)

19. The draft resolution was adopted.

20. Ms. MURUGESAN (India) and Mr. VAUGHN-FENN (United Kingdom) said that their delegations reserved the right to make statements in explanation of position at a plenary meeting of the General Assembly.

Draft resolution A/C.3/49/L.79, entitled "Strengthening the United Nations crime prevention and criminal justice programme, particularly its technical cooperation capacity"

21. The CHAIRMAN said that the following countries had also become sponsors of the draft resolution: Belarus, Cambodia, Costa Rica, Egypt, Gabon, Guinea-Bissau, India, Japan, Lithuania, Nigeria, Papua New Guinea, Philippines, Russian Federation, South Africa, Spain, Tunisia, United Republic of Tanzania and Uzbekistan.

22. Mr. THEUERMANN (Austria), proposing revisions to the text on behalf of the sponsors, said that a new preambular paragraph should be inserted between the first and second preambular paragraphs, which would read as follows:

> "Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes such as terrorism, illicit arms trade and money laundering, and bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,".

In the eighth preambular paragraph, the words "of the Centre for Social Development and Humanitarian Affairs" should be deleted.

23. In paragraph 1, the Economic and Social Council resolution referred to should be 1994/16 of 25 July 1994, not 1994/15. In paragraph 3, the words "attached to" should be replaced by "of". In paragraph 8, after the words "crime prevention and criminal justice", the remainder of the paragraph should

be deleted. In paragraph 9, after the words "Calls upon", the word "all" should be deleted and the word "also" should be inserted between "taking" and "into account". In paragraph 10, the word "all" should be deleted from the phrase "all developmental efforts". Lastly, in paragraph 13, the phrase "Welcomes the programme's participation in and contribution to the work of peace-keeping operations" should be replaced by the following: "Welcomes the contributions made by the programme in helping States upon request, including requests channelled through United Nations peace-keeping operations, in the field of crime prevention and criminal justice".

24. He said that the sponsors hoped that the draft resolution would be adopted by consensus.

25. Draft resolution A/C.3/49/L.79, as orally revised, was adopted.

26. The CHAIRMAN suggested that the Committee should recommend to the General Assembly that it take note of the report of the Secretary-General on measures to combat smuggling of aliens (A/49/350 and Add.1).

27. It was so decided.

28. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 96.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/49/L.77)

Draft resolution A/C.3/49/L.77 entitled, "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance"

29. The CHAIRMAN said that the draft resolution had no programme budget implications.

30. Mr. FERNANDEZ PALACIOS (Cuba) said that Algeria had become a sponsor of the draft resolution. The sponsors proposed that paragraph 2 should be revised to read: "Urges Member States to consider earmarking funds ... " and that in paragraph 3 the word "additional" before "human and financial assistance" should be deleted. The sponsors hoped that the draft resolution would be adopted without a vote.

31. The CHAIRMAN announced that Côte d'Ivoire, the Dominican Republic, Gabon, Guinea, Guinea-Bissau, Niger, Panama and Sudan had asked to become sponsors of the draft resolution.

32. Draft resolution A/C.3/49/L.77, as orally revised, was adopted.

33. Ms. HORIUCHI (Japan), explaining her delegation's position on the draft resolution, said that while Japan had joined the consensus, it had reservations regarding paragraph 2, which urged Member States to consider earmarking funds specially for the mandate of the Specia. Rapporteur within the Trust Fund for

the Programme for the Decade for Action to Combat Racism and Racial Discrimination. That recommendation was inappropriate since the Trust Fund had not yet received sufficient contributions. Her Government believed that the Special Rapporteur should be provided with the necessary funds from the regular budget of the United Nations.

34. The CHAIRMAN said that the Committee had concluded its consideration of agenda item 93.

AGENDA ITEM 97: ADVANCEMENT OF WOMEN (continued) (A/C.3/49/L.71/Rev.1)

Draft resolution A/C.3/49/L.71/Rev.1, entitled "Traffic in women and girls"

35. Mrs. LIMJUCO (Philippines) said that Armenia, Belgium, Côte d'Ivoire, France, Gabon, Guinea and the Marshall Islands had joined the original sponsors of the draft resolution. The sponsors wished to propose the following revisions. The first preambular paragraph should be changed to read: "Reaffirming its faith in fundamental human rights, in the dignity and worth of the human person ...". In the second preambular paragraph, after "3/" a comma should be inserted and the word "and" should be deleted, and the following should be added at the end of the paragraph: "the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women". The ninth preambular paragraph should be reworded as follows: "Convinced of the need to eliminate all forms of sexual violence and sexual trafficking ..." and should be moved to become the new fourth preambular paragraph. In the existing fourth preambular paragraph, the words "some countries with" should be inserted before "economies in transition", and the word "forced" should be inserted before "domestic labour". The existing fifth preambular paragraph should be reworded and combined with the sixth to form a new sixth preambular paragraph reading as follows: "Noting the increasing number of women and girl children from developing countries and from some countries with economies in transition who have been victimized by traffickers, and acknowledging that the problem of trafficking also victimizes young boys,". Lastly, in the seventh preambular paragraph, a comma should be inserted after "women" and the words "for purposes of prostitution" should be deleted.

36. In paragraph 2, the words "which called upon" should be changed to "which, inter alia, called upon". In paragraph 5, the final phrase "from being exploited and misused by traffickers" should be deleted, the words "the misuse and exploitation by traffickers of" should be inserted after "prevent", and a semi-colon should be placed after "labour". Lastly, paragraph 10 should be reworded as follows: "Recommends that the problem of the traffic in women and girl children be given consideration within the implementation of all relevant international legal instruments and, if need be, that measures be considered to strengthen them without undermining their legal authority and integrity."

37. She said that the sponsors hoped that the draft resolution would be adopted by consensus.

38. Draft resolution A/C.3/49/L.71/Rev.1, as orally revised, was adopted.

AGENDA ITEM 100: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/49/L.38, L.57, L.60)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/49/L.42/Rev.1)

Draft resolution A/C.3/49/L.38, entitled "Right to development"

39. The CHAIRMAN invited the Committee to take action on the draft resolution, which had no programme budget implications.

40. Mr. SUTOYO (Indonesia), speaking on behalf of the Movement of Non-Aligned Countries and China, said that Argentina, Australia, Austria, Belgium, Brazil, Costa Rica, Denmark, the Dominican Republic, France, Greece, Kyrgyzstan, Mexico, Panama, Spain and Uruguay wished to become sponsors of the draft resolution. The following revisions had been made to the text: In operative paragraph 4, the word "relevant" in the fourth line had been replaced by the words "the various", and the words "inter alia" had been inserted after the word "through" in the sixth line. The words "as part of the effort to implement the Vienna Declaration and Programme of Action" should be added to the end of operative paragraph 7. The sponsors hoped that the draft resolution would be adopted without a vote.

41. Draft resolution A/C.3/49/L.38, as orally revised, was adopted.

42. Mr. MARRERO (United States of America) said that his delegation welcomed the spirit of cooperation and realism that had characterized the negotiations on the final text of the resolution, which represented a clear improvement on the previous year's version. It was essential to continue to focus on common objectives without getting bogged down in theoretical or theological wrangling. However, the resolution should not be regarded as a definitive statement on the meaning of the right to development. Individuals had to look to their own Governments and democratic processes to implement the right to development, but international cooperation could help Governments to create an enabling environment that would permit the achievement of that right.

43. Mr. STEFANOV (Bulgaria) said that his delegation welcomed the consensus that had been achieved on the resolution, and reiterated the importance of the successful fulfilment of the mandate of the Working Group on the Right to Development as set out in Commission on Human Rights resolution 1993/22.

44. Ms. HORIUCHI (Japan) said that her Government believed that the right to development was an individual right, rather than a collective right as operative paragraph 1 of the resolution appeared to suggest.

Draft resolution A/C.3/49/L.57 entitled "Question of enforced or involuntary disappearances"

45. The CHAIRMAN invited the Committee to take action on the draft resolution, which had no programme budget implications. He announced that Angola, Cambodia, Cuba, the Czech Republic, Israel, Mauritius and New Zealand wished to become sponsors of the draft resolution.

46. Mr. MAUBERT (France) said that operative paragraph 10 should be revised to read: "Takes note of the action taken by non-governmental organizations to encourage the implementation of the Declaration and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;". The beginning of operative paragraph 20 should read "Invites the Commission on Human Rights, at its fifty-first session, to consider extending for three years the term of the mandate of the Working Group ... ".

47. Draft resolution A/C.3/49/L.57, as orally revised, was adopted.

Draft resolution A/C.3/49/L.60, entitled "Strengthening of the Centre for Human Rights of the Secretariat"

48. The CHAIRMAN invited the Committee to take action on the draft resolution, which had no programme budget implications. He announced that Antigua and Barbuda, Barbados, Benin, Burundi, Cambodia, Canada, Cape Verde, Fiji, Gabon, Gambia, Guinea, Guyana, Kenya, Liechtenstein, Mauritius, Mongolia, Namibia, New Zealand, Nigeria, Papua New Guinea, the Philippines, Sierra Leone, South Africa, Suriname and the Former Yugoslav Republic of Macedonia had also become sponsors.

49. Ms. NEWELL (Secretary of the Committee) recalled that, at the Committee's 62nd meeting, the words "of high importance to" had been replaced by the words "a priority activity of" in the second preambular paragraph of the draft resolution.

Draft resolution A/C.3/49/L.60, as orally revised, was adopted.

50. Ms. HORIUCHI (Japan) said that her delegation had joined in the consensus on the draft resolution but had not sponsored it owing to technical and procedural problems with the draft. Japan supported the thrust of the resolution and considered it important to send a strong political message about the need to strengthen the Centre for Human Rights.

Draft resolution A/C.3/49/L.42/Rev.1, entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)"

51. The CHAIRMAN said that Azerbaijan, Bangladesh, New Zealand, Oman and Qatar had become sponsors of the draft resolution, which had no programme budget implications.

52. Ms. NEWELL (Secretary of the Committee) read out some revisions to the draft resolution. In the twentieth preambular paragraph, the word "interim" should be deleted, and footnote 12 should read: "A/49/641-S/1994/1252". In paragraph 14, the word "can" should be deleted, and the words "and international human rights law" should be added before the words "and of medical evacuations". In paragraph 18, the words "and international human rights law" should be added after "humanitarian law". In paragraph 25, the words "Working Group on Enforced and Involuntary Disappearances" should be changed to "special process on missing persons in the territory of the former Yugoslavia established pursuant to paragraph 24 of Commission on Human Rights resolution 1994/72 of 9 March 1994".

53. The CHAIRMAN announced that the representative of the Russian Federation had requested a recorded vote on operative paragraphs 2 and 4, and on the draft resolution as a whole.

54. Mr. SHESTAKOV (Russian Federation), speaking in explanation of vote before the vote, said that his delegation would vote against paragraphs 2 and 4 of draft resolution A/C.3/49/L.42, which referred to violations of the norms of international humanitarian law not only in Bosnia and Herzegovina and Croatia, but also in the Federal Republic of Yugoslavia and its territories. It was well known that those norms applied to situations of armed conflict and to territories in which military actions were taking place. Thus, the reference to Bosnia and Herzegovina and to Croatia, where war was indeed going on, was fully justified. However, there were no grounds for referring to the Federal Republic of Yugoslavia. Following the closure of its border with Bosnia, the Federal Republic of Yugoslavia was not a party to the conflict in either the territory of Bosnia and Herzegovina or the territory of Croatia. As was well known, no military actions were being waged in the territory of the Federal Republic of Yugoslavia itself. It was therefore absurd to speak of violations of the norms of humanitarian law by or in the Federal Republic of Yugoslavia.

55. It was even more absurd to attribute to political and military leaders in the Federal Republic of Yugoslavia "primary responsibility" for violations of the norms of international humanitarian law, or to refer to violations "by all sides to the conflict", since the Federal Republic of Yugoslavia was neither directly nor indirectly a party to the conflict. To maintain otherwise was a distortion of reality.

56. Unfortunately the authors of the draft resolution had not taken those considerations into account during informal consultations and his delegation had therefore had to insist on a separate vote on paragraphs 2 and 4. It hoped that delegations would vote in all objectivity, since adoption of the paragraphs would mean that the United Nations was ignoring a qualitatively new situation in the territory of the former Yugoslavia following the closure of its border with Bosnia and Herzegovina.

57. Ms. SAPCANIN (Bosnia and Herzegovina) said that her delegation felt compelled to point out a number of facts. It was a fact that on 4 August 1994 the Federal Republic of Yugoslavia had announced its decision to close the border between the two countries and to cease its support for the Bosnian Serbs,

a decision which her Government, although cautiously, had subsequently welcomed. Regrettably, since the proclamation of that decision, the situation on the ground had proved to be quite the opposite. In connection with the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (ICFY) (S/1994/1372), the following points should be noted.

58. The ICFY Mission had not been able to gain a reliable insight into the level of compliance, or lack thereof, with the decision by the Federal Republic of Yugoslavia (Serbia and Montenegro) to close its borders with the Republic of Bosnia and Herzegovina for all shipments except humanitarian aid. Section VII of the report, entitled "Problems encountered and representations made to the authorities", referred to a number of cases that indicated that the decision by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close the border with parts of the Republic of Bosnia and Herzegovina under the control of the so-called "Republic Srpska" had been violated in the reporting period, in particular through the illegal transshipment of fuel. Significant quantities of goods, including fuel and military matériel, continued to reach the Bosnian Serbs. Other significant problems referred to in the first ICFY report remained unaddressed: a number of border crossing points remained open to vehicular traffic; smuggling across the border continued; and helicopter flights still continued from Serbia to Bosnia. Bosnia and Herzegovina, as a country directly affected, wished to be informed of the investigations undertaken, if any.

59. The report also failed to address the requests by her Government and the Government of Croatia, in letters from their respective Permanent Representatives addressed to the President of the Security Council, seeking clarification regarding section IX, entitled "Transit traffic", of the ICFY report dated 3 November 1994 (S/1994/1246). Transshipments to United Nations protected areas in Croatia continued. The final destination of those shipments could not be ascertained, and it was more than likely that they were an important source of fuel and other war matériel for the Bosnian Serbs. Unless those transshipments ceased, it was impossible to state that the Federal Republic of Yugoslavia was implementing its commitment to close its border with the Bosnian Serbs for all but specified items. Traffic across the border by military vehicles carrying military personnel wearing uniforms of the Yugoslav army had also been noted by the Co-Chairmen of the Steering Committee of ICFY immediately prior to the start of the joint offensive by Bosnian Serb and Krajina Serb forces against the Bihac region safe area, and could not have occurred without the knowledge and approval of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

60. The ICFY border monitoring Mission remained understaffed and was not in a position to verify closure of the border in its entirety. The deployment of the Mission had yet to be completed: 50 more monitors had still to join the Mission and more vehicles were needed to patrol the border, if only for routine control of all registered border crossings.

61. Thus, any conclusion that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) was continuing to meet its commitment to

close its border with the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces was premature and unfounded.

62. Regrettably, some days previously, the President of Bosnia and Herzegovina had sent a letter to the Secretary-General alerting him that the Serbs had installed surface-to-air missile systems around the safe areas of Gorazde, Zepa and Srebrenica. Air defence systems had now been set up by the Serb forces over 40 per cent of the territory of the Republic. The threat of such systems had halted the Sarajevo airlift, the United Nations Protection Force operation had been completely crippled and North Atlantic Treaty Organization planes monitoring the no-fly zone were grounded. It must therefore be ascertained where and when the Bosnian Serbs had acquired those air defence systems.

63. For those reasons, it would be premature to suggest that the Federal Republic of Yugoslavia had suddenly ceased to be a party to the conflict in the Republic of Bosnia and Herzegovina, when Belgrade and its proxies in Pale had been the masterminds behind the aggression against the Republic of Bosnia and Herzegovina.

64. Mr. SHESTAKOV (Russian Federation) asked under which rule of the rules of procedure the representative of Bosnia and Herzegovina, a sponsor of draft resolution A/C.3/49/L.42/Rev.1, had been permitted to make a statement. His delegation had not made any new proposals with regard to the draft resolution but had merely asked for a vote on existing paragraphs. The statement by the representative of Bosnia and Herzegovina had therefore been in violation of rule 128 of the rules of procedure.

65. The CHAIRMAN said that the Committee was considering statements in connection with paragraph 2 of the draft resolution, not explanations of vote. Therefore, it had not been impossible for the representative of Bosnia and Herzegovina to make a statement. In accordance with rule 129 of the rules of procedure, the Committee would proceed to take a separate vote on operative paragraphs 2 and 4.

66. At the request of the representative of the Russian Federation, a recorded vote was taken on operative paragraph 2 of draft resolution A/C.3/49/L.42/Rev.1.

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali,

Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: Russian Federation.

Abstaining: Angola, Belarus, Burundi, China, Côte d'Ivoire, Ghana, India, Mozambique, Namibia, Nigeria, Republic of Moldova, Rwanda, Sri Lanka, Togo, Uganda, United Republic of Tanzania, Uzbekistan, Zambia, Zimbabwe.

67. Operative paragraph 2 of draft resolution A/C.3/49/L.42/Rev.1 was adopted by 125 votes to 1, with 19 abstentions.

68. At the request of the representative of the Russian Federation, a recorded vote was taken on operative paragraph 4 of draft resolution A/C.3/49/L.42/Rev.1.

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen.

Against: Russian Federation.

Abstaining: Angola, Belarus, China, Côte d'Ivoire, Ghana, India, Mozambique, Namibia, Nigeria, Republic of Moldova, Rwanda, Sri Lanka, Togo, Uganda, Ukraine, United Republic of Tanzania, Zambia, Zimbabwe.

69. Operative paragraph 4 of draft resolution A/C.3/49/L.42/Rev.1 was adopted by 123 votes to 1, with 18 abstentions.*

70. At the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/C.3/49/L.42/Rev.1, as orally revised.

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Yemen.

Against: None.

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* The delegation of Pakistan subsequently informed the Committee that it had intended to vote in favour of operative paragraph 4.

Abstaining: Angola, Belarus, Côte d'Ivoire, Ghana, India, Namibia, Nigeria, Russian Federation, Rwanda, Togo, Uganda, United Republic of Tanzania, Zambia, Zimbabwe.

71. Draft resolution A/C.3/49/L.42/Rev.1, as orally revised, was adopted by 130 votes to none, with 14 abstentions.

72. Mr. USUI (Japan) said that his Government was deeply concerned about the grave violations of human rights and international humanitarian law taking place in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). It believed that the draft resolution would contribute greatly to improving the human rights situation in those countries, and would cooperate in its implementation to the utmost possible extent. It appreciated the increased efforts of the international community in the field of international criminal justice, including the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. However, his Government felt that there was much to be improved in the substantive and procedural rules governing ad hoc international tribunals and believed that efforts should be undertaken to create an international criminal justice system.

The meeting rose at 12.55 p.m.